

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
LARRY E. HENNEMAN, JR.
HENNEMAN & SAUNDERS
714 W. MICHIGAN AVE.
THREE RIVERS, MI 49093

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 0013-019PCT	Date of mailing (day/month/year) 12 FEB 2007
International application No. PCT/US05/24242	International filing date (day/month/year) 08 July 2005 (08.07.2005)
Applicant HARRIS	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer April A. Taylor <i>April A. Taylor</i> Telephone No. (571) 272-2403
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 0013-019PCT	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US05/24242	International filing date (<i>day/month/year</i>) 08 July 2005 (08.07.2005)	(Earliest) Priority Date (<i>day/month/year</i>) 12 July 2004 (12.07.2004)
Applicant HARRIS		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☒ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☐ the text is approved as submitted by the applicant.
☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 22

- ☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/24242

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-40

- Remark on Protest**
- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
 - ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
 - ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/24242

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A system and method is disclosed for verifying a commercial transaction between a card-holder (102), a merchant (104), and a credit card company (106). The card-holder (102) makes a purchase with the merchant (104) using a full credit card number. The merchant (104) submits a transaction approval request for approval with the credit card company. The credit card company (106) executes conventional credit approval of the transaction approval request, as well as verifies the transaction approval request with the card-holder (102). An approval is sent to the merchant (104) only after the transaction approval request is both conventionally approved by the credit card company (106) and verified by the card-holder (102). The card-holder (102), or the credit card company (106), may initiate verification of the transaction approval request. The transaction approval request can also be automatically verified if one or many pre-verification criteria is/are satisfied by data contained in the transaction approval request. The pre-verification criteria can be initially determined and/or modified by the card-holder (102). As another security feature, the card-holder (102) may selectively activate and deactivate their credit card/account as desired. The credit card itself includes indicia of security measures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/24242

A. CLASSIFICATION OF SUBJECT MATTER

IPC: G06F 7/08(2006.01);17/00(2006.01);G06K 5/00(2006.01);G06Q 20/00(2006.01);40/00(2006.01)

USPC: 235/375,380,381,382;705/17,35,39

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 235/375,380,381,382; 705/17,35,39

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,422,462 B1 (COHEN et al) 23 July 2002 (23.07.2002), see entire document.	1-40
A	US 5,953,710 A (FLEMING et al) 14 September 1999 (14.09.1999), see entire document.	1-40

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

16 January 2007 (16.01.2007)

Date of mailing of the international search report

12 FEB 2007

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

April A. Taylor

Telephone No. (571) 272-2403

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/24242

BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-40, drawn to a system and method for approving a commercial transaction between an account-holder and a merchant, classified in class 705, subclass 39.

Group II, claim(s) 41-44, drawn to a card associated with a credit account, classified in class 235, subclass 380.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: In particular, the system and method for approving a commercial transaction between an account-holder and a merchant of Group I is completely different from the specifics of a card of Group II.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
LARRY E. HENNEMAN, JR.
HENNEMAN & SAUNDERS
714 W. MICHIGAN AVE.
THREE RIVERS, MI 49093

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 0013-019PCT		Date of mailing (day/month/year) 12 FEB 2007 FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US05/24242	International filing date (day/month/year) 08 July 2005 (08.07.2005)	Priority date (day/month/year) 12 July 2004 (12.07.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: Please See Continuation Sheet USPC: 235/375,380,381,382;705/17,35,39		
Applicant HARRIS		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 16 January 2007 (16.01.2007)	Authorized officer April A. Taylor <i>April A. Taylor</i> Telephone No. (571) 272-2403
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/24242

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/24242

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- ☐ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-40

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/24242

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-40 NO

Inventive step (IS)

Claims NONE YES

Claims 1-40 NO

Industrial applicability (IA)

Claims 1-40 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/24242

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of IPC:

G06F 7/08(2006.01); 17/00(2006.01); G06K 5/00(2006.01); G06Q 20/00(2006.01); 40/00(2006.01)

V. 2. Citations and Explanations:

Claims 1-40 lacks novelty under PCT Article 33(2) as being anticipated by Cohen (US 6,422,462).

Re claim 1: Cohen discloses a computer system for approving a commercial transaction between an account-holder and a merchant, the system comprises:

a processing unit for processing data and code; and

a memory device for storing the data and said code,

the code including a merchant communications module operative to facilitate a connection with the merchant for receiving a transaction approval request,

the data including activation data accessible to the account-holder, the activation data indicative of the activation status of an account associated with the account-holder, and

the code further including an authorization module responsive to the transaction approval request and operative to deny the transaction approval request if the account associated with the account-holder is deactivated. (See col. 5, line 31 to col. 6, line 14)

Re claim 2: Cohen discloses wherein:

the activation data includes at least one activation condition; and

the authorization module is operative to approve said transaction approval request only if the transaction approval request satisfies the activation condition. (See col. 5, line 31 to col. 6, line 14)

Re claim 3: Cohen discloses wherein:

the activation condition comprises an activation date and time corresponding to an initial activation of the account; and

the authorization module is operative to approve the transaction approval request only if a purchase date and time contained in the transaction approval request falls after the activation date and time. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 4: Cohen discloses wherein:

the activation data further includes at least one deactivation condition; and

the authorization module is operative to approve the transaction approval request only if the transaction approval request satisfies the activation condition and does not satisfy the deactivation condition. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 5: Cohen teaches wherein:

the deactivation condition comprises a deactivation date and time determined by the account-holder; and

the authorization module is operative to accept the transaction approval request only if a purchase date and time contained is

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/24242

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

the transaction approval request falls after the initial activation date and time and before the deactivation date and time. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 6: Cohen teaches wherein:

the activation data includes a second activation condition defining a reactivation date and time determined by the account-holder; and

the authorization module is operative to approve the transaction approval request only if a purchase date and time contained is the transaction approval request falls after the initial activation date and time and before the deactivation date and time or falls after the reactivation date and time. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 7: Cohen teaches wherein:

the activation data further includes at least one automatic activation or deactivation criteria determined by the account holder; and the authorization module is operative to automatically change the activation status of the account based on the automatic activation or deactivation criteria. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 8: Cohen teaches wherein:

the deactivation criteria comprises deactivating the account if a predetermined number of transaction approval requests are received within a given time period, the predetermined number of transaction approval requests determined by the account-holder; and the authorization module is operative to deactivate the account by recording a date and time in the activation data corresponding to the date and time at which the predetermined number of transaction approval requests is reached. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 9: Cohen teaches wherein the authorization module includes an interactive activation module operative to:

establish a connection with the account-holder;

authenticate the account-holder; and

receive instructions from the account-holder to modify the activation data. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 10: Cohen teaches wherein the interactive activation module is operative to communicate with the account-holder via telephone (see col. 6, line 50+).

Re claim 11: Cohen teaches wherein the interactive activation module is further operative to store the instructions received from the account-holder (see col. 7, line 29 to col. 8, line 66).

Re claim 12: Cohen teaches wherein the interactive activation module is further operative to store the date and time the instructions were received from the account-holder (col. 7, line 29 to col. 8, line 24).

Re claim 13: Cohen teaches wherein:

the code further includes an account-holder communications module operative to facilitate a separate connection with the account-holder for verifying the transaction approval request, and

an authorization module is further operative to, if the account associated with the account-holder is not deactivated, transmit an approval to the merchant only if the approval request is verified by the account-holder. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claim 14: Cohen teaches wherein:

the data further includes at least one pre-verification criteria associated with the account-holder;

the authorization module is further operative to, if said account associated with the account-holder is not deactivated, compare the transaction approval request with the at least one pre-verification criteria, and to verify the transaction approval request if the at least one pre-verification criteria is satisfied. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claims 15, 16, 19, 20, 28, 29, 32 and 33: Cohen teaches a method including:

receiving deactivation instructions from the account-holder to temporarily deactivate an account associated with the account-holder;

receiving a transaction approval request from the merchant;

determining whether the account-holder has temporarily deactivated the account;

denying the transaction approval request if the account was temporarily deactivated;

storing the deactivation instructions;

receiving reactivation instructions from the account-holder to temporarily reactivate the account; and

storing the reactivation instructions. (See col. 5, line 31 to col. 6, line 14; and col. 7, line 29 to col. 8, line 14)

Re claims 17 and 30: Cohen teaches wherein the step of storing the deactivation instructions includes storing the date and time the deactivation instructions were received from the account holder. (See col. 7, line 29 to col. 8, line 14)

Re claims 18 and 31: Cohen teaches wherein:

the step of determining whether the account-holder has temporarily deactivated the account includes comparing a purchase date and time included in the transaction approval request with the date and time that the deactivation instructions were received; and

the step of denying the transaction approval request includes denying the transaction approval request if the purchase date and time is after the date and time the deactivation instructions were received. (See col. 7, line 29 to col. 8, line 14)

Re claims 21 and 34: Cohen teaches wherein the step of storing the reactivation instructions includes storing the date and time the reactivation instructions were received from the account holder. (See col. 7, line 29 to col. 8, line 14)

Re claims 22 and 35: Cohen further teaches:

receiving another transaction approval request from another merchant;

determining whether said account-holder has temporarily reactivated said account; and

approving the transaction approval request from the another merchant only if the account has been temporarily reactivated.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

(See col. 7, line 29 to col. 8, line 66)

Re claims 23 and 36: Cohen teaches wherein:

the step of determining whether the account-holder has temporarily reactivated said account includes comparing a purchase date and time included in said transaction approval request with said date and time that the reactivation instructions were received; and the step of approving said transaction approval request includes approving the transaction approval request if the purchase date and time is after the date and time the reactivation instructions were received. (See col. 7, line 29 to col. 8, line 66)

Re claims 24 and 37: Cohen teaches storing at least one automatic deactivation criteria associated with said account-holder; and automatically temporarily deactivating said account associated with said account-holder when said at least one deactivation criteria is met. (See col. 7, line 29 to col. 8, line 66)

Re claims 25 and 38: Cohen teaches wherein:

the at least one deactivation criteria includes a predetermined number of commercial transactions; and

the step of automatically temporarily deactivating said account includes deactivating the account after the receipt of said predetermined number of commercial transactions. (See col. 7, line 29 to col. 8, line 66)

Re claims 26 and 39: Cohen teaches wherein the predetermined number of commercial transactions is one. (See col. 7, line 29 to col. 8, line 66)

Re claims 27 and 40: Cohen teaches wherein the step of receiving instructions from the account-holder includes receiving the instructions via telephone (col. 6, line 50+)

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.